

7 February 1978

Burns

OS REGISTRY

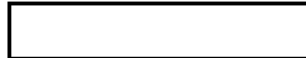
FILE ^{Legal 3} EO-12036

Section 2 25X1

2-204; 2-205

MEMORANDUM FOR: See Distribution

FROM:



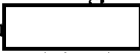
Assistant General Counsel

SUBJECT:

Procedures Relating to Certain Unconsented Physical Searches and to the Mail Opening Activities Directed Against United States Persons and Conducted by CIA Outside the United States

1. Attached is a draft set of Attorney General procedures relating to unconsented physical searches and to the opening of mail. The procedures are required to implement Sections 2-204 and 2-205 of E. O. 12036. They will apply when the activities in question are conducted by CIA outside the United States, but only when directed against United States persons. No such activities may be conducted by CIA within the United States.


2. The attached procedures were developed as follows:

a. The existing and Attorney General-approved Agency procedures in  Annex C (January 22, 1977) were modified in accordance with the restrictions set forth in Presidential Directive/NSC-19 (August 25, 1977).

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b. Appropriate definitions were added from two sources:
(1) Executive Order 12036 ("international terrorist activities," "United States person," "foreign intelligence" and "counterintelligence") and (2) the current electronic surveillance procedures ("foreign power" and, with modifications, "agent of a foreign power").

c. Paragraph 2 is from the Executive Order (Section 2-204).

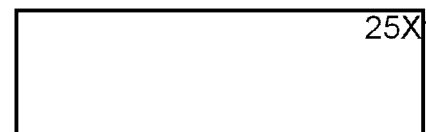
d. The definition of "unconsented physical search" from  Annex C is expanded to encompass opening of mail and to exclude physical intrusions for the placing of monitoring devices.

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e. The Acting Attorney General is added as an approval authority in paragraphs 3 and 6.

Declassified When
Separate From
Attachments

CONFIDENTIAL



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3. I would propose to meet with all interested parties to discuss this draft on Thursday, 9 February. The final Agency draft is due at the Department of Justice on Friday, 17 February.



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Attachment

cc: DDO, Attn: C/PCS
DDA, Attn: AI/DDA
DDS&T, Attn: SA/DDS&T
IG, Attn: 
D/DCI/NI, Attn: D/OCR

25X1